

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO.: 4:04-cv-40249-
FDS

REGINA ANKRAH AND ISAAC
OWUSU-AFRIYIE, AS CO-EXECUTORS
OF THE ESTATE OF ANGELINA
OWUSU-AFRIYIE,
Plaintiffs

v.

THE UNITED STATES OF AMERICA,
KENNETH K. GERWECK, M.D., AND
SANDRA L. SALERNO, R.N.
Defendant

PARTIES' JOINT MOTION TO EXTEND
THE DEADLINE FOR COMPLETION OF DISCOVERY

Now come the parties and respectfully request that this Court extend the deadline for completion of non-expert depositions from March 31, 2006 to April 30, 2006 and the deadline for expert disclosures for the plaintiff from April 30, 2006 to May 30, 2006.

In support of this motion, the parties state:

1. The instant case was originally filed in the Worcester Superior Court on or about December of 2003. Initial discovery led to the understanding that the Federal Tort Claims Act was controlling and provided immunity to defendant, Dr. Lisa Tardiff.
2. A Stay of Discovery was ordered by J. Fecteau of the Worcester Superior Court until a malpractice tribunal had been convened.
3. Dr. Lisa Tardiff was then dismissed from the action in August of 2004.
4. The medical malpractice tribunal convened on October 5, 2004 and found sufficient evidence to warrant further inquiry as to Ms. Salerno and Dr. Gerweck.

5. The case was removed to the United States District Court for the District of Massachusetts on or about December 2004.

6. A scheduling conference was held in U.S. District Court, District of Massachusetts on June 13, 2005, at which time the court assigned discovery deadlines including:

- ♦ All non-expert depositions to be completed by March 31, 2006.
- ♦ Status conference to be held on April 10, 2006.
- ♦ Plaintiff to designate experts by April 30, 2006.
- ♦ Defendants to designate experts by June 30, 2006.
- ♦ Expert depositions to be completed by July 31, 2006.

7. The depositions of the defendants, Dr. Gerweck and Ms. Salerno have been completed. However, the depositions of the plaintiffs and witness, Lisa Tardiff, M.D., although scheduled, have been postponed due to counsel's scheduling conflicts and trial commitments.

8. The parties have determined that an additional month is required to schedule and complete these depositions.

9. No prior extensions have been requested or granted in this matter.

10. With the proposed two changes to the scheduling order, the remainder of the deadlines will be unchanged and the case will be ready for pretrial conference on October 26, 2006 as per the Court ordered schedule.

